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26 *Counsel for Debtor Cash Cloud Inc.*

27 Electronically Filed December 12, 2023

28 **UNITED STATES BANKRUPTCY COURT**

1 In re
2 CASH CLOUD, INC.,
3 dba COIN CLOUD,
4 Debtor.
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1 Bankruptcy Case No. Case No. 23-10423
2 Chapter 11
3
4 Adv. Case No. 23-01015-MKN
5
6 **STIPULATED AMENDED DISCOVERY**
7 **PLAN AND SCHEDULING ORDER**

1 CASH CLOUD, INC., dba COIN CLOUD,
2 Plaintiff,
3
4 v.
5 Lux Vending, LLC d/b/a Bitcoin Depot,
6 Defendant.

8 Plaintiff and Debtor, Cash Cloud, Inc. d/b/a Coin Cloud (“Cash Cloud,” “Plaintiff,” or
9 “Debtor”), and Defendant Lux Vending, LLC d/b/a Bitcoin Depot (“Defendant” or “Bitcoin
10 Depot”), through their respective counsel of record, hereby submit pursuant to Federal Rule of
11 Civil Procedure 26, the parties’ Stipulated Amended Discovery Plan and Scheduling Order.

12 **I. PRIOR PROCEEDINGS**

14 **A. Date Of Filing Of Answer By First Answering Defendant:**

15 Defendant filed an Answer on December 1, 2023, pursuant to the Court’s November 17,
16 2023 Order on Defendant Lux Vending, LLC d/b/a Bitcoin Depot’s Motion to Dismiss Plaintiff’s
17 Complaint.

19 **B. Date The Fed. R. Civ. P. 26(F) Conference Was Held:**

20 April 21, 2023

21 **II. DISCOVERY PLAN:**

23 **A. Number Of Days Required For Discovery:**

25 **1. Plaintiff’s view:**

26 364

27 **2. Defendants’ view:**

28 364

1 **B. What Changes, If Any, Should Be Made In Timing, Form Or Requirements**
2 **For Disclosures Under 26(a):**

3 **1. Plaintiff's view:**

4 None
5

6 **2. Defendant's view:**

7 None
8

9 **C. When Initial Disclosures Were Made Or Will Be Made:**

10 Plaintiff's disclosures: May 5, 2023

11 Defendant's disclosures: May 5, 2023

12 **D. Subjects On Which Discovery May Be Needed:**

13 **1. Plaintiff's view:**

14 The parties' allegations and defenses.
15

16 **2. Defendant's view:**

17 The parties' allegations and defenses.
18

19 **E. Should Discovery Be Conducted In Phases Or Limited To Or Focused Upon**
20 **Particular Issues?**

21 **1. Plaintiff's view:**

22 Yes. Fact discovery should be segregated from expert discovery. Fact
23 Discovery should close on January 31, 2025. Expert discovery shall
24 close on April 30, 2025.
25

26 Additionally, the parties stipulate and agree that discovery will not
27 commence until there is an operative complaint. The parties further
28 stipulate and agree that discovery may be served prior to an operative

1 complaint, but written responses to any discovery served prior to an
2 operative complaint will not be due until either the time provided under
3 the Federal Rules of Civil Procedure or 14 days following an operative
4 complaint, whichever is longer. Discovery may be served electronically
5 upon Plaintiff, provided that all of the following recipients are included:

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9 Brett Axelrod: baxelrod@foxrothschild.com

10
11 **2. Defendant's view:**

12 Yes. Fact discovery should be segregated from expert discovery. Fact
13 Discovery should close on January 31, 2025. Expert discovery shall
14 close on April 30, 2025.

15 Additionally, the parties stipulate and agree that discovery will not
16 commence until there is an operative complaint. The parties further
17 stipulate and agree that discovery may be served prior to an operative
18 complaint, but written responses to any discovery served prior to an
19 operative complaint will not be due until either the time provided under
20 the Federal Rules of Civil Procedure or 14 days following an operative
21 complaint, whichever is longer. Discovery may be served electronically
22 upon Defendant, provided that all of the following recipients are
23 included:

24 Adam Schwartz: aschwartz@carltonfields.com

25 Erin J. Hoyle: EHoyle@carltonfields.com

26 Angie Maranto: amaranto@carltonfields.com

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1 Stacy Rubin: sruibin@nevadafirm.com

2 Olivia Swibies: oswibies@nevadafirm.com

3 Should any above-listed service party need to be added or removed
4 because of a change in assignment or staffing, the party's counsel of
5 record will advise all service parties in writing via e-mail.
6

7 **F. State Any Issues About Disclosure Or Discovery Of Electronically Stored
8 Information, Including The Form Or Forms In Which It Should Be Produced.**

9
10 **1. Plaintiff's view:**

11 Plaintiff believes that an electronically stored information protocol is
12 appropriate for this case.
13

14 **2. Defendant's view:**

15 Plaintiff believes that an electronically stored information protocol is
16 appropriate for this case.
17

18 **G. State Any Issues About Claims Of Privilege Or Of Protection As Trial-
19 Preparation Materials, Including—if The Parties Agree On A Procedure To
20 Assert These Claims After Production—Whether To Ask The Court To
21 Include Their Agreement In An Order.**

22
23 **1. Plaintiff's view:**

24 Plaintiff believes that a stipulated confidentiality protective order is
25 appropriate for this case.
26

27 **2. Defendant's view:**

28 Defendant believes that a stipulated confidentiality protective order is
29 appropriate for this case.
30

**H. What Changes, If Any, Should Be Made In Limitations On Discovery
Imposed Under These Rules And What, If Any, Other Limitations Should
Be Imposed?**

1. Plaintiff's view:

None.

2. Defendant's view:

None.

I. What, If Any, Other Orders Should Be Entered By The Court Under Rule 26(C) Or Rule 16(B) And (C)?

1. Plaintiff's view:

None.

2. Defendant's view:

III. None. DISCOVERY AND MOTION DATES:

A. Dates Agreed By The Parties:

1. Close of fact discovery: January 31, 2025
2. Close of expert/all discovery April 30, 2025
3. Final date to file motions to amend pleadings or add parties (without a further court order): July 1, 2024
4. Final dates for expert disclosures:
 - (a) Initial disclosure: February 28, 2025
 - (b) Rebuttal disclosures: March 31, 2025
5. Final date to file dispositive motions: May 30, 2025
6. Joint Pretrial Order: June 30, 2025

1 **B. If Applicable, Statement Of The Reasons Why Longer Or Different Time**
2 **Periods Should Apply To The Case Or, In Cases In Which The Parties Disagree**
3 **As To The Form Or Contents Of The Discovery Plan, A Statement Of Each**
4 **Party's Position On Each Point In Dispute:**

5 **1. Plaintiff's view:**

6 The parties agree that a longer or different period of an additional 180 days is required
7 for the discovery cutoff date, for the following reasons:

8 a. The parties believe that they each will need to take as many as ten
9 depositions from fact witnesses and (perhaps more) and that most if not
10 all the deponents reside out of state and in different states.
11 b. The uncertainty of when the parties will be able to begin the taking of
12 depositions due to the presence of critical witnesses abroad.

13 **2. Defendant's view:**

14 a. The parties believe the need for international discovery in this matter will
15 necessarily extend the discovery period.
16 b. Further, the parties anticipate significant third-party discovery from
17 persons across the country.

18 **C. Alternative Dispute Resolution:**

19 The undersigned certify that they met and conferred about the possibility of using
20 alternative dispute resolution processes. All parties would be open to engaging in a settlement
21 conference before Judge Zive before May 31, 2024.

22 **D. Electronic Evidence:**

23 The parties will prepare an ESI protocol within 14 days of an operative complaint.

24 A jury trial has not been demanded.

1
2
3 Dated this 12th day of December, 2023.

4
5 **THE JIMMERSOON LAW FIRM, P.C.**

6 By: /s/ James M. Jimmerson, Esq.

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18 *Attorney(s) for Plaintiff*
19 **Cash Cloud Inc. Error! Reference**
20 **source not found.**

1
2
3 Dated this 12th day of December 2023.

4
5 **HOLLEY DRIGGS**

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14 and

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25 *d/b/a Bitcoin Depot*